

Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Injection Zip Contains 3 to 4 per cent. Alcohol. Contains 1½ gr. Opium to fluid ounce * * * This Injection is an excellent preparation and cannot produce stricture. Relief being speedy. * * *;" (wrapper) "Injection Zip * * *;" (circular) " * * * An Excellent Preparation For The Treatment Of Gonorrhoea, Gleet and Leucorrhoea. * * * a tried preparation for the above diseases * * * the best injection on the market for the purpose. Ladies troubled with Leucorrhoea (Whites) will obtain a speedy relief."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of acetates and sulphates of zinc and lead, opium alkaloids, berberine, and plant extractives, in water and alcohol.

It was alleged in substance in the libel that the article was misbranded within the provisions of section 8, paragraph 3, of the said act, for the reason that the statement to the effect that the product was a remedy for gonorrhea, gleet, and leucorrhea was false and fraudulent.

On November 29, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9372. Misbranding of Muscato. U. S. * * * v. 25 Cases * * * of Muscato. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12286. I. S. No. 563-r. S. No. E-1972.)

On March 19, 1920, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, more or less, of Muscato, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped by the Ozone Spring Water & Beverage Co., Inc., New Orleans, La., on March 1, 1920, and transported from the State of Louisiana into the State of Florida, and charging violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Muscato 'You Taste The Grape' * * * Bottled By The Ozone Spring Water & Beverage Co., Inc. New Orleans, La., U. S. A. * * * This Is Not A Carbonated Beverage Being A Grape Drink Served * * * In The Same Manner As Any Grape Juice Is Served."

It was alleged in substance in the libel that the above-quoted statements contained in the labels on the bottles were false and misleading in that the said bottles did not contain the juices derived from grapes, as claimed and suggested in the said statements, but the article was a mixture of phosphoric acid, sugar, and a trace of esters, and was colored with amaranth.

On August 14, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9373. Misbranding of peanut feed. U. S. * * * v. 90 Sacks of Peanut Feed. Product released under bond. (F. & D. No. 12980. I. S. No. 237-r. S. No. E-2397.)

On July 20, 1920, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 90 sacks of peanut feed, remaining in the original unbroken packages at Tallahassee, Fla., alleging that the article had been shipped by the Camilla Cotton Oil and Fertilizer Co., Camilla, Ga., on February 25, 1920,

and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the article was labeled in a false and fraudulent [misleading] manner, that is to say, each of the sacks containing the said article were labeled, "Protein 30 per cent. * * * Fibre 25 per cent. * * * Made From Pressed Peanut Cake," which statements were false and untrue in that the article did not contain the ingredients above enumerated and in the quantities stated, but it was deficient in protein and contained an excessive amount of crude fiber and was not made from pressed peanut cake but crushed peanut hulls had been added thereto.

On January 5, 1921, the Capital City Grocery Co., Tallahassee, Fla., having filed its claim and answer to the libel and having averred in said answer that by reason of want of sufficient information it could neither admit nor deny the material allegations of the libel, but praying that the product should be delivered to it upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said claimant upon the terms and conditions stipulated in the said answer and that the libel be dismissed upon payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

9374. Adulteration and misbranding of La Pom. U. S. * * * v. Certain Persons in Possession of 3 Barrels of La Pom (Blackberry, Red Grape, and Apricot). Default decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 13852. I. S. No. 3558-t. S. No. C-2494.)

On November 5, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of La Pom (blackberry, red grape, and apricot flavor, respectively), consigned by the Crown Beverage Co., St. Louis, Mo., on February 14, 1920, to certain persons in Christine, N. Dak., charging that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Non-Alcoholic La Pom Artificial Flavor and Color. Red Grape" (or "Apricot" or "Blackberry") "Flavor. Guarantee. The contents of this package guaranteed to comply with all laws. These goods are non-alcoholic and non-intoxicating. We will forfeit \$500 reward to any one finding a single percent of alcohol in this drink * * *."

It was alleged in substance in the libel that the above-quoted statements, each and all, were false and untrue in that the said article contained in excess of 4 per cent of alcohol by volume.

Adulteration of the article was alleged in substance for the reason that it contained a certain poisonous and deleterious ingredient, namely, saccharin, which made the same injurious to health.

On March 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9375. Misbranding of flour. U. S. * * * v. Herreid Milling Co., a Corporation. Judgment by default. Fine, \$25. (F. & D. No. 13905. I. S. No. 8901-r.)

On December 15, 1920, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the Dis-